

it that the respondent did not require any authority to erase it. In the opinion of this Court that was a misconception of the law. By the provisions of regulation 11 no person may make any erasure in or on an identity card except a Registration Officer or an agent duly appointed by him. It makes no difference by whom the entry was made, whether made with or without authority, no person other than a Registration Officer or his agent may erase it. In the view of this Court the learned President should have convicted. Since the learned Deputy Public Prosecutor has asked this Court merely to give a declaratory judgment on the law, I do not propose to make any order upon conviction.

No order.

TAN TUCK LOCK v. R.

[A. Cr. J. (Gordon-Smith, Ag. C.J.) February 22, 1949]

[Singapore — Magistrate's Appeal No. 199 of 1948]

Gaming — Betting Ordinance — Bookmaker — Evidence of expert.

The appellant and another person were charged for carrying on the business of a bookmaker at the Singapore Turf Club on the 10th July 1948. The evidence against the two accused was that one of them would come up to the other and whisper to him from time to time during the races and they were seen to make entries in their respective Race Books. The only other evidence was that of A.S.P. Mr. Minns who claimed to be an expert and based his evidence on his interpretation of the entries made by the accused in their respective race books.

Held: there was no factual evidence against either of the accused and therefore it was not only unsafe to convict them but they should not have been called on for their defence.

MAGISTRATE'S APPEAL.

Philip Hoalim for the appellant.

A. V. Winslow (Crown Counsel) for the Crown.
Cur. Adv. Vult.

Gordon-Smith, Ag. C.J. : — (1) Tang Tuck Lock and (2) Ow Chor Sang had been charged and tried before the Magistrate for carrying on the business of bookmakers at the Singapore Turf Club on the 10th July 1948.

The Magistrate convicted the 1st accused and acquitted the 2nd accused on the 27th August, his reasons for so doing being contained in his recorded Judgment under date 3rd January 1949.

The appeal was heard by me on the 11th February at the conclusion of which I quashed the conviction also, of the 1st accused, the appellant.

My reasons for doing so were that, in my opinion there was quite insufficient evidence to support the conviction.

The only witnesses for the Prosecution were two Police Officers, A.S.P. Eu Cheow Eang and A.S.P. F. G. M. Minns, and a Turf Club Clerk.

The only evidence by the former A.S.P. was that he arrested the two accused on his suspicions being aroused because one would come up to the other and whisper to him from time to time during the first six races, and that they were seen to make entries in their respective Race Books. He took possession of these 2 Books and searched them both.

Mr. Minns' evidence is entirely theoretical and based on numbers and hieroglyphics found in these Race Books, in the spaces provided for making such entries.

The only other witness was a clerk employed in the Turf Club and his evidence was quite inconclusive as to whether the appellant was or was not a member of the Turf Club.

There was no evidence of any person placing any bets with the accused or of any money passing or of any person communicating with No. 1 accused, except No. 2 accused. The only evidence was that No. 2 accused would come up and whisper to him.

The only other evidence therefore was that of Mr. Minns based on his interpretation of the entries made by the accused in their respective Race Books, which are supplied by the Turf Club.

I do not propose to analyse the reasons given by the learned Magistrate for convicting the one and acquitting the other accused but I agree with some of the opinions expressed by him particularly in para (3) as follows:—

"All these things by themselves were nothing but matters arousing strong suspicion. Taken in conjunction with the markings in the book, however, and the expert's opinion on them, they built up into a formidable case against one of the two accused, at least."

I would add, if not the one, why not the other. They were either both guilty or both innocent.

There was no real factual evidence against either of them only Mr. Minns' interpretation and in the absence of factual evidence in addition it was quite unsafe to convict the accused.

Anybody who tries to obtain some tip or exclusive evidence as to possible or probable winners in a race and records such information in his own race book in a way which would not be obvious to others — would be liable to conviction, and there are hundreds of such people who probably do so. In my opinion the evidence was such that not only was it unsafe to convict the accused but they should not have been called on for their defence.

Conviction quashed.